

PTO/SB/01A (10-00).

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>SYSTEM AND METHOD FOR MUSICAL PLAYLIST SELECTION IN A PORTABLE AUDIO DEVICE</b>
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 09/975,748 filed on 10/10/01,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: Mark E. Phillips Citizen of: U.S.A.Signature: *Mark E. Phillips* Date: 12/13/01Inventor two: Eric P. Gibbs Citizen of: U.S.A.Signature: *Eric P. Gibbs* Date: 12/13/01

Inventor three: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inventor four: \_\_\_\_\_ Citizen of: \_\_\_\_\_

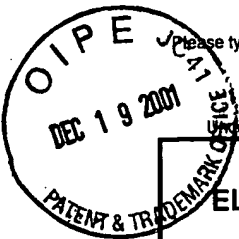
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Docket No.480180.403

239,349



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+

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PTO/SB/81 (10-00)

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**ELECTION AND POWER OF  
ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number 09/975,748

Filing Date October 10, 2001

First Named Inventor Mark E. Phillips

Group Art Unit 2635

Examiner Name

Attorney Docket Number 480180.403

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC

OR

☐ Practitioner(s) named below:



00500

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

**SIGNATURE of Applicant or Assignee of Record**

Name Richard P. Barber

Signature

Date

12/13/01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

239805[01-14-01]

PTO/SB/96 (08-00)

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Mark E. Phillips et al.  
 Application No./Patent No.: 09/975,748 Filed/Issue Date: October 10, 2001  
 Entitled: SYSTEM AND METHOD FOR MUSICAL PLAYLIST SELECTION IN A PORTABLE AUDIO DEVICE

Interactive Objects, Inc.

(Name of Assignee)

a

Corporation(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above.  
 The assignment was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
 current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
 submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
 of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/13/01

Date

Richard P. Barber

Typed or printed name



Signature

Chief Financial Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual  
 case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S.  
 Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:  
 Assistant Commissioner for Patents, Washington, DC 20231.

Docket No. 480180.401 239,824[09-14-01]




## ASSIGNMENT

WHEREAS, we, Mark E. Phillips and Eric P. Gibbs (hereinafter referred to as ASSIGNORS), having mailing addresses of 3028 22<sup>nd</sup> Avenue West, Seattle, Washington 98119, and 2918 NW Esplanade Street, Seattle, Washington 98117, respectively, are the joint inventors of an invention entitled "SYSTEM AND METHOD FOR MUSICAL PLAYLIST SELECTION IN A PORTABLE AUDIO DEVICE," as described and claimed in the specification for which an application for United States letters patent was filed on October 10, 2001 and assigned Application No. 09/975,748. This application claims the benefit of Provisional Application No. 60/240,766, filed on October 13, 2000.

WHEREAS, Interactive Objects, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at 12600 SE 38<sup>th</sup> Street, Suite 150, Bellevue, Washington 98006, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date 12/13/01
  
 Eric P. Gibbs
State of Wa)County of King)

ss.

I certify that I know or have satisfactory evidence that Eric P. Gibbs is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 12/13/01Signature of Notary Public Dana K. StilesPrinted Name Dana K. StilesMy appointment expires 5/29/05Date 12/13/01
  
 Mark E. Phillips
State of Wa)County of King)

ss.

I certify that I know or have satisfactory evidence that Mark E. Phillips is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 12/13/01Signature of Notary Public Dana K. StilesPrinted Name Dana K. StilesMy appointment expires 5/29/05